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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,609

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EXAMINER

ALAM, FAYYAZ

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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,609	Applicant(s) LEE, YOUNE-SANG	
	Examiner FAYYAZ ALAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 1/25/2008. **This action is made FINAL.**

Response to Arguments

Applicant's arguments filed 1/25/2008 have been fully considered but they are not persuasive.

Applicant argues on pg. 7 with claims 1 and 3 that Jeansonne as modified by Cavin fail to disclose storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part and supply power to the BIOS memory. Further, "making wireless communications" as described in Cavin is clearly different than "a network accessing routine determining a wireless accessibility to the wireless service network based on a wireless signal".

Examiner respectfully disagrees.

Jeansonne clearly discloses a wireless accessing routine for **determining** a wireless accessibility based on a wireless signal (see abstract). Therefore, Cavin **only** needs to teach or suggest a wireless accessing routine stored in the BIOS memory. Indeed, Cavin clearly discloses BIOS/firmware layer (read as BIOS memory) to execute wireless communications (read as wireless accessing routine) (see [0037]). Therefore, a wireless accessing routine is stored in the BIOS memory and inherently power is supplied to execute the routine.

In response to applicant's argument that there is no motivation to combine Jeansonne and Cavin, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is a **teaching and suggestion**, and motivation, where the motivation is from a person of ordinary skill in the art.

In response to applicant's argument that Cavin is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case,

Cavin is concerned with wireless local area network while Jeansonne is concerned with seeking a wireless local area network.

Please see rejection of independent claims 1, 3, 6, 9, and 11 for further clarity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 - 4, 6, 7, and 9 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jeansonne et al. (U.S. Application # 2003/0023761)** in view of **Cavin (U.S. Application # 2003/0126492)**.

Consider **claims 1 and 3**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) and a method of controlling the notebook computer (100) that includes a power supply (40) and a wireless communication module (42) (read

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wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) comprises: an LED indicator (66) (read as displaying part; an electrical switch (58) (read as selection part to display wireless accessibility to the wireless service network; see [0058]); a microcontroller (44) (read as controller) that controls power supply (40) through coupling with the seek logic (60) to supply power to the wireless communication module (42) (read as wireless communication part; see [0038] and [0040]), and LED indicator (66) (read as displaying part) in order to execute the search for wireless network access and display the network availability once the electrical switch (58) (read as selection part) is selected while the notebook computer (100) (read as portable computer) power is turned off (see [0037 - 0042]). Although not explicitly disclosed it is inherent in order to operate any electrical device one would need to supply power to it. Similarly, in order to operate the BIOS, it is inherent to supply power.

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part and supplying power directly to the BIOS memory.

In the related field of endeavor, Cavin discloses BIOS/firmware (306 & 228) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306 & 228) and the network card and plays a part in performing wireless communication and power would inherently be supplied to the BIOS in order to function (see [0037]; fig. 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claims 2 and 4** as applied to claims 1 and 4, Jeansonne et al. disclose a ten second (predetermined time) seek time to determine the availability of a wireless network once the electrical switch (58) (read as selection part) is selected and after that the power supply is disabled through the seek logic (60) which is coupled to the microcontroller (44) (read as controller) which effectively shuts off any power (read as the controller controls the power supplying part to interrupt the power supply to the displaying part, the wireless communication part and the BIOS memory (see [0043] and [0046])).

Consider **claim 6**, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66) (read as notifying part) to display the wireless network availability (see [0036 - 0042]). Further, Jeansonne discloses a button (read as hardware selector) operable while power to the portable computer is turned off; and a programmed computer processor activated by operation of the button (read as selector) and controlling a power supply only to components providing a wireless network accessibility state (see abstract).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claim 7** as applied to claim 6, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access

routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claim 9**, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66) (read as notifying part) to display the wireless network availability (see [0042]). Further, Jeansonne discloses a button (read as hardware selector) operable while power to the portable computer is turned off; and a programmed computer processor activated by operation of the button (read as selector) and controlling a power supply only to components providing a wireless network accessibility state (see abstract).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claim 10** as applied to claim 9, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jeansonne et al. (U.S. Application # 2003/0023761)** in view of **Cavin (U.S. Application # 2003/0126492)** in view of **Marchevsky (USPN 2005/0032516)** and further in view of **Patton et al. (USPN 6,816,067)**.

Consider **claim 11**, Jeansonne et al. disclose a method of controlling a notebook computer (100) (read as wireless portable computer) by operating an electrical switch (58) (read as hardware selector) while the power to the notebook computer (100) is turned off in order to provide network access to the notebook computer (100) and power to the wireless communication module (42).

However, Jeansonne et al. fail to disclose storing in a BIOS memory of the wireless portable computer a wireless network accessing routine that provides a wireless network accessibility status; and executing the wireless network accessing routine at the BIOS level to provide the wireless network accessibility status and supplying power directly to the BIOS memory.

In the related field of endeavor, Cavin discloses BIOS/firmware (306 & 228) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306 & 228) and the network card and plays a part in performing wireless communication at the BIOS level and power to the BIOS would inherently be supplied in order to function (see [0037]; fig. 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to reduce processing load at the wireless communication module.

Furthermore, Jeansonne as modified by Cavin disclose illuminating the LED when wireless AP is available (see Jeansonne [0042]) but do not explicitly disclose illuminating, while the network accessing routine is being executed, a display part in an illumination mode that differs from an illumination mode when it is determined whether a wireless network is accessible.

In the related field of endeavor, Marchevsky discloses a tri-colored LED that illuminates yellow to indicate that a wireless network may be present (read as while the network accessing routine is being executed), an LED (read as display part) glows green (read as an illumination mode that differs from an illumination mode when it is determined whether a wireless network is accessible) to indicate a wireless network being detected (see [0026]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne and Cavin with the teachings of Marchevsky in order to clearly determine the presence of a wireless network and distinctly present it to the user.

However, Jeansonne as modified by Cavin and further modified by Marchevsky discloses illumination announcing wireless accessibility status but do not explicitly disclose providing status by audibly announcing the wireless status.

In the related field of endeavor, Patton discloses providing status by audibly announcing the wireless status (see col. 3, lines 7 - 18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne, Cavin, and Marchevsky with the teachings of Patton in order to provide an audible indication to a user when a wireless network is detected.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jeansonne et al. (U.S. Application # 2003/0023761)** in view of **Cavin (U.S. Application # 2003/0126492)** and further in view of **Patton et al. (USPN 6,816,067)**.

Consider **claims 12 and 13** as applied to respective claims, Jeansonne as modified by Cavin do not explicitly disclose providing status by audibly announcing the wireless status.

In the related field of endeavor, Patton discloses providing status by audibly announcing the wireless status (see col. 3, lines 7 - 18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne and Cavin with the teachings of Patton in order to provide an audible indication to a user when a wireless network is detected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

April 3, 2008

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618